

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA )  
 ) No. 1:06-cr-30-003  
vs. )  
 ) JUDGE EDGAR  
FRANCISCO JAVIER GOMEZ ) MAGISTRATE JUDGE LEE  
 )

**O R D E R**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Counts One and Three; (2) accept Defendant's plea of guilty to Counts One and Three of the Indictment; (3) adjudicate Defendant guilty of the charges set forth in Counts One and Three of the Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. No. 76]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. No. 76] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Counts One and Three is **GRANTED**;
- (2) Defendant's plea of guilty to Counts One and Three of the Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Counts One and

Three of the Indictment;

(4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and  
(5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is  
scheduled to take place on **Tuesday, April 10, 2007 at 9:30 a.m.**

**SO ORDERED.**

**ENTER this the 21<sup>st</sup> day of February, 2007.**

---

*/s/ R. Allan Edgar*  
R. ALLAN EDGAR  
UNITED STATES DISTRICT JUDGE